

**INTERLOCAL AGREEMENT
BETWEEN
LAKE COUNTY, FLORIDA
AND
CITY OF LEESBURG
RELATING TO EAST MAGNOLIA STREET TOWER**

This is an Interlocal Agreement between Lake County, Florida, a political subdivision of the State of Florida, hereinafter referred to as the "County," and the City of Leesburg, a municipal corporation, hereinafter referred to as "City".

WHEREAS, the County owns a radio tower located at the Leesburg Police Department, 115 East Magnolia Street, Leesburg, hereinafter the "Tower"; and

WHEREAS, on or about August 24, 1992, the County, the City, and Lake-Sumter EMS, Inc., did enter into an Interlocal Agreement, hereinafter the "1992 Agreement," which established each parties responsibilities as it related to the operation and use of the Tower; and

WHEREAS, the 1992 Agreement stated that it would continue in full force and effect for so long as the Tower is located on the site and the parties have equipment on the Tower; and

WHEREAS, the County ceased using the Tower on or about July 2009; and

WHEREAS, with the implementation of the County's 800 mhz countywide communications system, the County has determined that the Tower is surplus property and no longer needed for County purposes; and

WHEREAS, Section 274.05, Florida Statutes, allows a governmental unit to classify as surplus any property which is determined to be obsolete, or the continued use of which is uneconomical or inefficient, or which serves no useful function; and

WHEREAS, the County now determines that the continued use of the Tower serves no useful function; and

WHEREAS, the County now desires to transfer all its ownership rights in the Tower to the City, and the City is desirous of accepting ownership of the Tower

NOW THEREFORE, in consideration of the mutual terms, understandings, conditions, promises, covenants and payments hereinafter set forth, and intending to be legally bound, the parties agree as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Declaration of Surplus. The County, pursuant to Section 274.05, Florida Statutes, hereby declares the use of the Tower to be obsolete, uneconomical or inefficient, and serves no useful function.

Section 3. Transfer of Ownership. The County hereby transfers all ownership, right and title to the Tower to the City. The City hereby agrees to accept ownership of, and assume all maintenance and repair responsibilities for, the Tower.

Section 4. Consideration. The City hereby agrees, in exchange for being granted ownership of the Tower, to negotiate in good faith an agreement under which Lake Emergency Medical Services, Inc. would have the right for one or more of its antennae to occupy space on the Tower and for associated electronics and/or radio equipment to occupy space in a building near the base of the Tower.

Section 5. Entire Agreement. This document is intended by the parties to be the final expression of their Agreement, and it constitutes the full and entire understanding between the parties with respect to the subject of this Agreement, notwithstanding any representations, statements or agreements to the contrary heretofore made.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement through their respective boards on the day and year undersigned.

ATTEST:

CITY OF LEESBURG

City Clerk

By: _____
_____, Mayor
This ____ day of _____, 2012.

Approved as to Form and
Legality:

City Attorney

Interlocal Agreement between Lake County and City of Leesburg for East Magnolia Street Tower

ATTEST:

LAKE COUNTY, through its BOARD OF
COUNTY COMMISSIONERS

Neil Kelly, Clerk
of the Board of County
Commissioners of Lake
County, Florida

Leslie Campione
Chairman

This ____ day of _____, 2012

Approved as to form and legality:

Sanford A. Minkoff
County Attorney